

U.S. DISTRICT COURT, NORTHERN DISTRICT OF OHIO

Ricardo Jones,)	Case No. 1:16-cv-02108
Plaintiff,)	
v.)	Judge Donald C. Nugent
)	
Multiband, Corp., et al.)	
Defendants.)	

NOTICE OF COLLECTIVE ACTION

(insert date of mailing)

TO: All technicians who worked for Simplified Solutions, LLC performing DirecTV installations through Multiband Corporation at any point during the period three years preceding the commencement of this action to the present were classified as independent contractors.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT. THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THE PLAINTIFF'S CLAIMS OR OF THE DEFENDANTS' DEFENSES.

TO BE INCLUDED IN THIS COLLECTIVE ACTION, YOU MUST SIGN AND RETURN THE ATTACHED CONSENT FORM BY (insert 45th day after date of mailing)

PURPOSE OF THIS NOTICE

A collective action has been filed under the Fair Labor Standards Act ("FLSA") in which you may be similarly situated to the Plaintiff and potentially entitled to participate. This notice informs you of your rights and how you may join the collective action, if you so desire.

DESCRIPTION OF THE ACTION

This lawsuit was filed by Plaintiff Ricardo Jones on behalf of himself and other technicians who worked for Simplified Solutions, LLC performing DirecTV installations through Multiband Corporation and were classified as independent contractors. The Court has conditionally certified the case as a collective action and ordered that this Notice be sent to other current and former technicians.

Mr. Jones alleges that he and other technicians should have been classified as employees. Mr. Jones alleges that as employees, he and other technicians owed overtime compensation by Simplified Solutions, LLC and Multiband Corporation for all hours worked in excess of forty hours per workweek, as well as minimum wage for each hour worked, plus as liquidated damages.

Simplified Solutions, LLC denies these allegations and contends technicians were properly classified as independent contractors and/or are not owed additional compensation.

Multiband Corporation denies it is a joint or statutory employer, denies the allegations, denies the technicians were misclassified, and denies the technicians are owed additional compensation.

The Court has not issued any opinion as to the merits of the lawsuit, so the Court has not decided which party is correct.

HOW TO PARTICIPATE IN THIS COLLECTIVE ACTION

To join this collective action, you must sign and return a “Consent Form” to Plaintiff’s counsel, such as the one enclosed with this notice. You can return a Consent Form by (a) mailing it to Scott & Winters Law Firm, LLC, 815 Superior Avenue E., Suite 1325, Cleveland, OH 44114, or (b) faxing it to 216-621-1094.

Your signed Consent Form must be postmarked, or received by fax or email, by (insert 45th day after date of mailing).

NO RETALIATION PERMITTED

The law prohibits Simplified Solutions, LLC and Multiband Corporation, as well as their agents and employees, from harassing, discriminating, or retaliating against you for taking part in this collective action.

EFFECT OF JOINING THE COLLECTIVE ACTION

If you join this collective action by returning the attached Consent Form, it will be filed with the court, you will become a “party-plaintiff,” and you will become a client of the above attorney, who represents Mr. Jones in this lawsuit. You will also designate Mr. Jones as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with his counsel concerning fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made, and entered into, by Mr. Jones will be binding on you. You will be bound by any judgment that is rendered, whether favorable or unfavorable, and you will share in any recovery obtained by judgment or settlement. You also may be required to produce records, respond to written questions, and answer questions under oath in a deposition and/or at trial. You have no obligation to pay attorney fees to Class Counsel unless the lawsuit prevails, though you may be responsible for paying costs incurred during the lawsuit regardless of the outcome of the case.

EFFECT OF NOT JOINING THE COLLECTIVE ACTION

If you do not join the collective action, you will not be bound by any judgment or settlement, whether favorable or unfavorable, and you will not share in a recovery, if any. You have the right to choose other counsel and to pursue claims solely on your own behalf. However, this lawsuit will not stop the statute of the limitations applicable to any claims you may have from running unless, and until, you decide to opt into this lawsuit.

PLAINTIFF'S COUNSEL

The attorneys who represent Plaintiff Ricardo Jones are:

Joseph F. Scott, Esq.
Ryan A. Winters, Esq.
Scott & Winters Law Firm, LLC
The Superior Building
815 Superior Avenue E., Suite 1325
Cleveland, OH 44114
(440)498-9100
jscott@ohiowagelawyers.com
rwinters@ohiowagelawyers.com

Thomas A. Downie, Esq.
46 Chagrin Falls Plaza #104
Chagrin Falls, Ohio 44022
(440) 973-9000
tom@chagrinlaw.com

FURTHER INFORMATION

Further information about this Notice or the collective action may be obtained by calling Ryan Winters at 440-498-9100.

PLEASE DO NOT CONTACT THE COURT